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SUBJECT: JORDAN: SCENESETTER AND INPUT FOR FTA LABOR  
STRATEGIC PLAN

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[1](#)O. 09 AMMAN 429  
[1](#)P. 09 AMMAN 392  
[1](#)Q. 09 AMMAN 230  
[1](#)R. 08 AMMAN 2206

[1](#)1. (SBU) Summary: Labor cooperation between the U.S. Jordan has been strong and productive over the past several years. Effective engagement, backed with targeted assistance, has produced significant results, such as improved labor conditions in the garment sector, enhanced efforts to combat trafficking-in-persons, and expanded initiatives to address child labor. In other areas, however, such as the right to associate, government influence over unions, and employment discrimination, there has been little forward progress. The U.S. should place more emphasis on these issues within the bi-lateral dialogue and labor cooperation, especially as opportunities exist to make progress on these and other labor fronts. For instance, the government has developed a labor law amendment package and plans to move it forward for approval. The ILO and others have raised concerns over some provisions, such as those intending to give foreign workers union rights. Washington and Post have actively engaged and have asked the government to revise the amendments to meet international standards. This type of active engagement, even on contentious issues, should be a centerpiece in our strategic plan for Jordan. This cable provides information on labor rights and issues, input into the strategic plan, on-going labor programs, and needed additional programming.

End Summary.

## Labor Scen setter and General Overview

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12. (SBU) One of the major recent successes of U.S.-Jordanian engagement has been the significantly improved labor conditions in Jordan's garment sector and the enactment of a legal framework, including an anti-trafficking law, to combat TIP. The Government of Jordan (GOJ), with U.S. encouragement and assistance, has undertaken a long list of reforms and programs to improve labor conditions in the country. The Ministry of Labor and other bodies are now proactively attempting to combat forced labor, especially in the garment sector, and are better equipped to do so. However, more work remains. For instance, greater effort is needed to ensure that smaller garment factories, especially those not exporting to the U.S. market and producing for major international buyers, are also improving their labor conditions. Regarding TIP, the government must now "do the hard part" and implement the TIP law, including increasing investigations and prosecutions, establishing a shelter and victim services, and enhancing public awareness.

13. (SBU) Beyond fighting forced labor and TIP, little has changed in recent years. The government still places restrictions on the right to associate, especially by requiring all trade unions to fall under the umbrella of a general federation over which the GOJ exercises significant influence. Unions remain weak with little influence and capacity. Issues such as employment discrimination and harassment have also gone largely unaddressed. The

government is willing to work to address some of the issues, such as employment discrimination, especially if resources can be provided. The GOJ, however, has shown little political will for large-scale reform, such as changing the union structure.

14. (SBU) A labor law reform package currently with the Jordanian cabinet has the potential to improve, at least on paper, the labor rights situation. An ILO review of the package, however, points to several proposed amendments that do not fully comply with international standards, including those intending to give foreign workers the right to unionize. The new Minister of Labor has stated he will review the law and the ILO comments before moving it forward, most likely as a "temporary" law before the next parliament is elected. (Note: In the absence of a sitting parliament, the cabinet may enact laws as provisional laws, which are binding until a new parliament can consider the enacted provisional law. Previous parliaments have not considered provisional legislation, thereby indefinitely lengthening the legislation's life. End note.)

15. (SBU) Post recommends continuous political engagement on labor rights and reform combined with targeted assistance. For example, the agreement by all major stakeholders that the ILO Better Work Jordan (BWJ) Program should be mandatory is a positive step to ensure labor compliance for all garment factories, including those exporting to the U.S. in cooperation with U.S. buyers under the U.S.-Jordan Free Trade Agreement (FTA), those exporting under the QIZ program, and those not exporting to the U.S. market. While the International Finance Corporation (IFC), GOJ and USAID-funded BWJ program has not yet been made mandatory, the support expressed for such a move opens the door for targeted assistance to the textile union to further develop worker committees and collective bargaining agreements. If most foreign workers are given the right to unionize, then this will also help increase resources and sustain activities. Some issues may be somewhat contentious, such as the role of the general trade union and government influence over unions. But the existence of an open, frank dialogue with the GOJ allows for the U.S. to strongly push for reform and the exploration of common ground.

Situation Regarding Specific Labor Rights

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¶6. (U) Paragraphs 6-18 provide specific details and describe the current situation for each labor right issue identified in reftel B.

#### Freedom of Association

¶7. (SBU) A worker's right to freely associate without government interference remains a problem. The current Labor Law does provide citizens working in the private sector, in some government-owned companies, and in certain public sector professions the right to form and join unions. In practice, however, the freedom of association is restricted by the government. Foremost, the government requires all unions to be members of the General Federation of Jordanian Trade Unions (GFTU), the sole trade union federation. Government influence over GFTU decisions and activities is widely known and some individual sectoral unions have expressed their desire to become independent. Government involvement in past union elections has also been documented. There have been no recent noticeable attempts to change the structure of unions in Jordan or guarantee further independence. In fact, the current draft Labor Law amendments included provisions giving GFTU greater audit authority over line unions. (Note: According to official figures, more than 10 percent of the workforce is organized into 17 unions. In addition, Jordan has a number of professional associations, such as those for doctors, engineers, dentists, and lawyers. The professional

associations operate separately and independently from the GFTU. End Note.)

¶8. (SBU) Foreign workers are also not permitted to join unions, excluding more than 300,000 foreign workers from any meaningful right of association. The government submitted a labor law amendment in 2008 to give all foreign workers this right but the Parliament voted it down. The current Labor Law amendment package under consideration by the cabinet again includes union rights for foreign workers. However, the amendment places significant eligibility requirements for membership that only a small percentage of foreign workers would meet. The eligibility requirements include reciprocal legislation in the source country and the provision that a worker must have worked in Jordan legally for five years. Post has actively engaged the government to revise the requirements. The new Minister of Labor has told the Ambassador that the amendments will be reviewed before moving the amendments forward for approval.

¶9. (SBU) Other provisions in the labor law place unnecessary hurdles to union formation, according to an ILO review of the labor law and the planned amendments. For instance, 50 founding members are needed to form an occupation trade union and 25 employees are needed to form employers' organizations.

The ILO states these requirements should be reduced, specifically stating the 50 founding members to unionize at an enterprise level is restrictive. Also, the labor law states that a tripartite committee comprised of government, private sector, and employee (i.e. union) representatives shall be responsible for the classification of occupations for which a trade union may be established. This provision could potentially reduce the number of occupations given the right to unionize.

#### Collective Bargaining and Right to Strike

¶10. (SBU) Unions have the right to bargain collectively, but in practice, collective bargaining is insufficiently used. The textile union, as one example, tends to be reactive instead of proactive. The union spends significant time advocating for workers with specific problems and often after the workers have decided to strike. Observers assert that unions must be better trained on collective bargaining. According to the Ministry of Labor, 47 collective disputes occurred in 2009, though not all resulted in strikes. Thirty-three were solved through direct negotiation between the parties. The remaining disputes were solved either by

the Ministry of Labor, a mediator, a council, or the courts.

¶11. (SBU) The law permits workers to strike only under certain conditions, including that workers must give the employer and government, at a minimum, 14 days notice of a strike, and strikes are prohibited if a labor dispute is under mediation or arbitration. In practice, however, workers primarily strike without notifying the government in advance. In these instances, the union request penalty waivers for the illegal strike as part of the labor negotiations.

#### Elimination of Forced Labor

¶12. (SBU) Jordan has taken significant steps over the past few years to eliminate forced labor, especially within QIZs and the garment sector as a whole. This work has been a highlight and success of U.S.-Jordanian labor engagement. Post has reported extensively on these efforts over the past several years. Below is a just a short snapshot of the government's efforts since the 2006 National Labor Committee report:

--Significant increase in the labor inspectorate's size, coupled with new training regimes.

--Development of a Golden List to reward factories with high quality labor conditions and a Black List for poor performing factories. Golden List factories have bank guarantees waived and Black List factories cannot obtain visas for foreign workers.

--Enhancement of complaint mechanisms, such as through boxes in factories and a multi-lingual hotline.

--Inclusion of agriculture and domestic workers under the Labor Law along with corresponding regulations outlining their rights.

--Cooperation with the ILO Better Work Jordan Program, including contributing funds.

--Negotiation with source countries of new agreements that strengthen recruitment oversight.

--Passage of an anti-trafficking law and increase in fines for forced labor under the labor law.

#### Abolition of Child Labor

¶13. (SBU) A 2008 study by the Jordanian Department of Statistics places the number of child laborers in Jordan at more than 32,000. Observers, however, estimate the number to be significantly higher as many businesses and families tend to hide the practice (and were not captured in the survey). These observers also believe the practice to be increasing due to the continuance and, in some areas, increase of poverty rates and unemployment combined with inflation. Poor education quality is also cited as a primary cause for school drop-out and child labor. In fact, recent studies have shown very high levels of teacher abuse, corporal punishment, and bullying in schools. Several donor projects are now attempting to create a safer school environment and the government has issued tougher punishments for abusive teachers. Children work in the mechanical repair, agriculture and fishing, construction, and hotel and restaurants sectors, as well as in the informal sector as street vendors, carpenters, blacksmiths, painters, and in small family businesses.

¶14. (SBU) The government's capacity to implement and enforce child labor laws is insufficient. The MOL's Child Labor Unit is tasked with coordinating government actions and receiving, investigating, and addressing child labor complaints. The Unit, however, is staffed by only two people and unable to carry out its responsibilities to any significant extent. A U.S. Department of Labor (DOL) project (see para 24) is training all labor inspectors on child labor identification

and handling. Labor inspectors do issue fines for child labor violations but they often attempt alternative approaches first, such as the removal of children from hazardous conditions and placement in non-formal education. In short, the DOL project is attempting to address the problem through increasing non-formal education opportunities, increasing public awareness, conducting research, strengthening the inspectorate and other responsible government entities, and revitalizing a national-level committee to combat child labor. It will be a long-term effort, however, to significantly reduce child labor in Jordan.

#### Elimination of Employment Discrimination

¶15. (SBU) Employment, pay, and workplace discrimination remain problems, especially for women. A Jordanian National Council for Family Affairs study released in April 2009 found that women are often denied their basic labor rights, such as pay equality, appropriate annual and sick leave, and suitable working hours, as outlined in the labor law. The labor law does grant women equal pay for equal work but this provision

is often not enforced. The government ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), but courts have yet to use such international conventions when ruling on discrimination cases. One NGO is attempting to force the courts to rule on the basis of the convention. Studies have also shown very low rates of women economic participation with the Minister of Social Development recently citing an 18 percent employment rate among women. A range of factors, including societal attitudes as well as discrimination, are a contributing factors pointing to the need for the government to work simultaneously on a number of fronts.

¶16. (SBU) According to the law, sexual harassment is strictly prohibited. The law, however, does not make a distinction between sexual assault and sexual harassment; both carry a minimum prison sentence of four years. Women's groups state that harassment is common but that victims are often hesitant to file a complaint. Foreign women, especially domestic workers, rarely step forward to file a sexual harassment or even assault charge as they are often accused of theft or another crime by the employer and then jailed. There are no known government programs specifically designed to address workplace harassment.

#### Acceptable Conditions of Work

¶17. (SBU) The national minimum wage is currently 150 Jordanian dinars (\$210) per month, which does not provide a decent standard of living for a worker and family. The minimum wage is determined by a tripartite committee comprised of government, employer, and employee (union) representatives. In determining the minimum wage, the committee uses no pre-set formula but considers a range of issues. The above minimum wage does not apply to workers in the garment sector, whether citizens or foreigners, or to domestic workers. Their minimum wage is 110 dinars per month. The MOL and Jordanian garment exporters association, however, agreed to a non-binding understanding that Jordanian garment workers would receive a 40 JD (\$56) monthly allowance, especially given that foreign workers receive some form of company-provided housing and food comparable in value.

¶18. (SBU) A study by the Phoenix Center for Economic and Information Studies revealed that many workers in the private sector work excess hours and do not receive the sick and annual leave stipulated in the labor law. The law requires overtime pay for hours worked in excess of the 48-hour standard workweek. Compulsory overtime is prohibited, but the law allows employers to require the employee to work more than 48 hours a week for specific purposes such as carrying out annual inventory, closing accounts, and receiving special deliveries. In such cases, the actual working hours may not exceed ten hours per day. In excess of ten hours, the



employee must be paid overtime, and the period may not last more than 30 days. Employees were entitled to one day off per week. Provisions for domestic and agriculture workers, placed under the labor law in 2008, were similar.

¶19. (SBU) The law specifies a number of health and safety requirements for workers, which the MOL is authorized and attempts to enforce. Overall strengthening of the labor inspectorate would also strengthen health and safety enforcement. Workers do not have a statutory right to remove themselves from hazardous conditions without risking the loss of their jobs.

#### Strategy Recommendations

¶20. (SBU) Post has found the most effective method to improve labor rights and conditions is continuous, targeted engagement with the GOJ. For example, Jordan adopted its

anti-TIP law and corresponding regulations after constant, significant and specified engagement and pressure by Washington and Post. Similarly, Jordan's significant efforts to improve conditions in garment factories, and bolster its inspectorate came in the wake of the 2006 National Labor Committee report on forced labor in Jordanian garment factories and the resulting pressure and engagement by numerous USG and other entities, including American buyers.

¶21. (SBU) An important step forward would be the signing of a bi-lateral Labor Cooperation Agreement, currently under review by the new cabinet. This agreement, however, must correspond with well-established cooperation mechanisms. For instance, Post recommends the formation of a labor working group between the two governments with bi-annual reviews of progress. The bi-annual reviews would be an opportunity to monitor progress on priority reforms and to obtain updates on assistance mechanisms. The September 2009 visit of an inter-agency U.S. labor delegation to Jordan resulted in tangible benefits, including Jordan's request for an ILO review of its Labor Law and progress to make the Better Work Jordan program mandatory. A larger working group to include employers and unions should also be considered. Any such working group should also be mindful of Jordanian inter-agency sensitivities and include Jordan's Ministry of Industry and Trade, which is the lead GOJ entity on the U.S.-Jordan Free Trade Agreement and its related aspects, including its labor provisions.

¶22. (SBU) Labor engagement, including any specific mechanisms, should focus on the highest priority reforms with the understanding that priorities will change over time. The following areas should be given current priority status:

--Labor law reform, including right of association: The government's focus on updating the labor code presents an excellent opportunity to enhance labor rights for both Jordanian and foreign workers in the near-term. Jordan's labor code is generally regarded as favorable to workers but refinement could result in such things as union rights for foreign workers, greater union independence, improved equal-pay-for-equal-work language, and expanded collective bargaining rights. The government must amend its current draft amendment package to ensure the above rights are clearly articulated and fully obtained. Targeted USG engagement and assistance to the GOJ in terms of substance and process on this would be of great value.

--Union independence and effectiveness: Jordan's 17 unions are generally viewed as ineffective with relatively little power and influence. One reason is the restrictions placed on union formation and the requirement that all unions come under the oversight of the GFTU, widely known to be influenced significantly by the government. The government has shown little political will to change this structure but any step giving individual unions greater autonomy will have a positive impact. A few unions, such as the textile union,

have tried in practice to step out from under the GFTU with varying success. The textile union, for instance, advocates for foreign workers despite GFTU's disagreement. These unions also require additional capacity building as well as training on issues such as collective bargaining, advocacy, and strategic planning.

--Garment sector conditions: As discussed, significant efforts to improve labor conditions in the garment sector has resulted in a significant reduction of forced labor. Reports indicate that eradication of forced labor from the vast majority of garment factories, but problems continue to surface in some of the factories that do not export to the U.S. market under the FTA or QIZ programs. Measures such as expanding the Better Work Jordan Program and further enhancing inspection efforts would institutionalize current

efforts and result in even better working conditions. Enhancing inspection efforts, however, would require more inspectors and more training for current inspectors.

--Discrimination: Discrimination in hiring and pay has largely not been addressed. The labor code itself does not contain any provisions recognizing the overall principle of equality of opportunity and treatment and, while the code contains language regarding equal-pay-for-equal-work, such provisions are not enforced in a meaningful manner. Work place harassment has also largely gone unaddressed by the government. The government must find ways to start addressing these problems, including complaint mechanisms, inspectors enforcing such requirements, and raising awareness.

--TIP: Jordan has put in-place a substantial legal framework to combat TIP but implementation of the framework remains weak. Investigations by the police and labor inspectors have increased but there remain relatively few prosecutions, even of gross TIP cases. Victim services are also severely limited and there is no shelter for TIP victims, except for basic shelters operated by source country embassies. In short, the government remains committed to combating TIP but they require additional guidance and technical assistance as implementation moves forward. Effective engagement will also help ensure long-term commitment.

¶23. (SBU) Post recommends that the aforementioned engagement is coupled with targeted assistance. Short-to-medium term assistance requirements are discussed below.

#### Ongoing Labor Programs

¶24. (SBU) ILO Better Work Jordan Program (BWJ): The BWJ, partially funded by USAID, the IFC and the GOJ, is designed to improve labor standards and increase the competitiveness of the apparel sector. BWJ conducts independent factory assessments to determine compliance with international and Jordanian labor standards. These reports result in corresponding recommendations and strategies to address deficiencies and training is offered to help factories implement the recommendations. The factory reports are shared with international buyers who can better determine compliance with labor standards and steps taken to improve performance. BWJ also brings together the government, employers, unions, and buyers to discuss problems faced by the sector and to find shared solutions.

¶25. (SBU) Combating Exploitive Child Labor Through Education Project (CECLE): CECLE is a 4-year, \$4 million project funded by the U.S. Department of Labor with the aim of withdrawing 4,000 children from the worst forms of child labor (WFCL) and preventing another 4,000 children from entering WFCL. CECLE focus on the provision of direct educational services, such as informal and non-formal education to out-of-school children throughout Jordan. CECLE will also increase awareness among communities, the private sector, and individuals on the dangers of child labor and the laws that protect children. Mechanisms to deter child labor

and provide services to child laborers will be strengthened. For instance, all labor inspectors are being trained on detection and how to deal with various instances and types of child labor. The project will revitalize the National Committee on Child Labor to coordinate efforts, enhance research, develop strategies, and advocate for needed legislative changes.

¶26. (SBU) Adviser to the Minister of Labor: Since 2006, USAID has funded an international labor expert to provide technical assistance to the Minister of Labor. Most importantly, this adviser led the development of several strategies to combat forced labor in the garment sector and

specifically designed the programs to enhance and improve the labor inspectorate. The Adviser either directly, or working with implementing partners, has built capacity throughout the ministry. For instance, the training program for labor inspectors was significantly improved in addition to the tripling of its size. More recently, the adviser has taken a lead on combating TIP, including the drafting of regulations for recruitment agencies and regulations governing the rights of domestic workers. The Adviser's contract is currently being extended until late spring 2010 after which no direct technical assistance within the Ministry will be available.

¶27. (SBU) TIP: The USG has provided various forms of technical assistance to support Jordanian efforts to combat TIP. Most recently, the State Department's Office to Combat TIP (G/TIP) is funding a U.S. Department of Justice project to train judges and lawyers on TIP. A G/TIP grant to the American Bar Association to further conduct judiciary training, conduct public awareness, and provide a range of technical assistance is also pending. G/TIP previously funded an ILO project to train labor inspectors and other government officials on TIP. This project is now funded by the Canadians.

#### Additional Needs

¶28. (SBU) Expand the Better Work Jordan Program: Discussions are underway to make the BWJ mandatory for all garment factories. Currently only 16 of the approximately 80 garment factories have signed onto BWJ. These 16 factories are primarily the largest and most well-known producers in the sector and export to the U.S. and large U.S. buyers under the FTA and QIZ programs. They also tend to have the best labor practices. (Note: BWJ is also discussing participation with an additional eight factories to formally join BWJ. End Note.) Stakeholders are in general agreement that smaller factories, especially those not producing for large brand name buyers or those not exporting to the U.S. under the FTA or QIZ programs, must be included in the program to obtain a complete picture of the labor situation and to improve standards throughout the sector. Primary questions to be answered before moving forward include the best mechanism to make the program mandatory (e.g. tie participation to foreign worker visas) and participation costs (e.g. lowering assessment costs as all factories come on board). Expanding BWJ to include all factories will require additional resources, such as the hiring of at least one additional assessment team. The estimated cost to make BWJ mandatory over the next three years is \$600,000.

¶29. (SBU) Union Strengthening: The General Trade Union for the Textile and Garment Industry has actively resolved thousands of workplace grievances. They have also educated thousands of Jordanian and foreign workers on their rights. The union has the potential to do a great deal more to the development of strong labor-management relations including through further developing enterprise level union committees and corresponding collective bargaining strategies. Focusing on effective associations and collective bargaining at the enterprise level will be highly beneficial by strengthening worker and union voices within the workplace while higher-level engagement on union structures continues. Strengthening the textile union is a strong compliment to the



BWJ Program as they try to develop tripartite dialogue. The estimated cost to implement such a project is \$400,000 over the next three years.

¶30. (SBU) TIP: Labor inspectors, border enforcement officials, residency police, and some judges and prosecutors have all received individual training on TIP. Joint training of all three parties to enhance cooperation and overall investigation and prosecution has not yet been conducted. Additionally, the National TIP Committee is completing a plan

and regulations for a TIP shelter and corresponding referral system. The shelter, to be managed by an NGO, will require funding. Efforts to increase public awareness on the anti-TIP law and to change public attitudes towards domestic workers are also essential. Post estimates that at least \$3 million over the next three years is needed to implement such activities.

¶31. (SBU) Advisers and technical assistance: An adviser within the Ministry of Labor was instrumental in the development of labor strategies and the ministry's overall capacity. As the Ministry of Labor continues to enhance its capacity, especially of the inspectorate, and move forward on labor reform, Post anticipates the need for short-term technical expertise on a range of specific labor issues. The Ministry, including the current Minister, wants outside guidance and expertise to improve labor conditions. A mechanism that would allow access for short-term technical assistance on specific labor issues would be extremely beneficial.

¶32. (SBU) Employment discrimination and harassment: Assistance to combat discrimination and harassment should be considered. While Post has not mapped out specific activities or requirements, assistance could include the training of labor inspectors and police, strengthening of complaint mechanisms, review of legislation and regulations, and raising public awareness.

#### Labor Contacts

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¶33. (U) The designated MOL interlocutor regarding labor rights is Secretary General Mazan Odeh Nasser, phone number 962-6-583-3376, e-mail Mazen592003@yahoo.com.

¶34. (U) Post Labor Reporting Officer is Political Officer Garret Harries, phone number 962-6-590-6597, fax number 962-6-592-0159, e-mail harriesgj@state.gov. The Trade Officer dealing with FTA and QIZ issues is Economic Section Deputy Chief Ali Lejlic, phone number 862-6-590-6557, fax number 962-6-592-7653, email lejilcae@state.gov.

¶35. (U) The ILO is currently the only international (or U.S.) organization working on labor issues in Jordan and is currently implementing the Better Work Jordan Program as well as several smaller projects, including the project to combat TIP. The ILO point of contact in Jordan is Phil Fishman, phone number 962-6-565-3807, fax number 962-6-565-3991, e-mail fishman@betterwork.org. The Solidarity Center recently closed its Jordan office and has no on-going projects to assist Jordan's labor unions.

¶36. (U) The primary local organization engaged on labor rights is the National Center for Human Rights (NCHR). NCHR maintains a labor complaint mechanism and investigated all complaints, especially those originating from garment factories or by domestic workers. The NCHR also played a role in drafting Jordan's anti-TIP law as well as domestic worker and recruitment agency regulations. NCHR point of contact is Atef Al-Majali, phone number 962-6-593-1256, fax number 962-6-593-0072, e-mail atefmajali@hotmail.com.  
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